

# **EXHIBIT 2**



TOWN OF EAST HAMPTON AIRPORT  
173 DANIELS HOLE ROAD  
WAINSCOTT, NY 11975

**Memo**

**Prohibit Special VFR Operations at HTO**

A Special VFR Clearance (SVFR) is an Air Traffic Control authorization for a VFR aircraft, one being operated under Visual Flight Rules (VFR), to operate in weather that is lower than the basic VFR. If the reported weather is lower than VFR minimums, 1000 feet ceiling and 3 miles visibility, a pilot can request a Special VFR Clearance, which can place some aircraft as low as 300 feet above the ground.

Quite often during the summer months, there will be a cloud cover over HTO caused by onshore breezes and temperature differentials that render the airport IMC (Instrument Meteorological Conditions). As a result in recent years, SVFR has been employed to a greater extent at HTO to where, on cloudy days, it becomes standard operating procedure (SOP). This practice should be banned for the following reasons:

1. Given the volume and mix of traffic at HTO during the summer months, as many as 300 operations crammed into a few hours, using SVFR as an SOP is hazardous.
2. SVFR is also a noise hazard. In order to allow SVFR, aircraft must descend sometimes below 500 feet to as low as 300 feet. Aside from being hazardous, this infuriates and frightens the residents affected by their flight paths.
3. The Tower at HTO is not provided with radar coverage. It is arguably prudent not to permit SVFR when radar coverage is not available in a congested area.
4. SVFR is setting pilots up for potential disaster. Controlled Flight Into Terrain (CFIT) is one of the highest causes of accidents and deaths in aviation. Many helicopter, seaplane and light fixed wing pilots are not IFR qualified, meaning they have not been properly trained and do not possess an FAA Instrument Flight Rating on their license. Furthermore, their aircraft

do not have the proper equipment and are not certified to fly in instrument conditions. SVFR legitimizes scud running, ducking below a low cloud layer in order to maintain visual contact with the ground, which increases the potential for CFIT. We have VFR and IFR rules. Why then do we allow rules that put pilots and passengers at risk when it's clear this is a safety issue? Banning SVFR will not only protect passengers in the air, but also residents on the ground.

SVFR was meant to be a method to get non-instrument rated aircraft and pilots off the ground and on their way when the weather at the field is below VFR minimums and the weather enroute is above VFR. It was never meant to be a Standard Operating Procedure (SOP) for non-IFR equipped aircraft to fly into and out of HTO on IMC days all day long.

There could also be an interesting legal question concerning possible liability if SFVR clearances are issued at a time the controller knows or should know that the pilot's compliance with Federal Aviation Regulations is not possible, making the controller an aider and abettor. And, as a private tower hired by the Town, making the Town complicit.

For the reasons stated above, I am advocating for a ban on SVFR operations at HTO.

James L. Brundige

Airport Director

Aeronautical Ratings:

Airline Transport Pilot (ATP)

Commercial Airplane Single-engine Land, Multi-engine Land

Instrument Fixed Wing

Rotorcraft-Helicopter

Instrument Helicopter

Type Ratings: B-727, B-757, B-767, B-777, Citation 500, Falcon 10, Gulfstream II, Gulfstream III, Sikorsky S-61